

### **REMARKS**

Claim 1 has been amended and claims 13 to 20 were previously canceled. Claims 1 to 12 and 21 to 23 remain active in this application of which claims 3 to 12 and 23 have been allowed. .

Claims 1, 2, 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Rombouts et al. publication. The rejection is respectfully traversed.

Claim 1 relates to an arrangement for suppressing digital-to-analog converter (DAC) error arising from mismatched elements contained in a DAC that is part of a modulator that provides a digital output, the arrangement having a digital output from the modulator, the modulator having a DAC as a part thereof and a shifting arrangement configured to controllably shift a digital word derived from the digital output to cause the DAC error distribution to constitute a low pass profile suppressing DAC error at higher frequencies around half a sampling frequency. Admittedly, no such concept is taught or even remotely suggested by APA. Furthermore, no such feature is taught or even remotely suggested by Rombouts et al. It follows that the combination of prior art in no way teaches or suggests the invention as claimed, even were Rombouts et al. to be combinable with APA.

In addition, there is no teaching or suggestion to combine the prior art in the manner suggested by the examiner. APA shows no shifting arrangement configured to controllably shift a digital word derived from the digital output to cause the error distribution to constitute a low pass profile suppressing DAC error. It follows that there is no basis to combine APA with Rombouts et al. despite any teaching of Rombouts et al.

The combination is therefore clearly based upon the teaching of the subject application and not derived from APA, even were the combination to be otherwise valid, which it is not.

Claim 2 depends from claim 1 and therefore defines patentably over the applied references for at least the reasons presented above with reference to claim 1.

In addition, claim 2 further limits claim 1 by requiring that the shifting arrangement controllably shift the digital word using only a single pointer per clock cycle. No such combination is found in the applied references.

Claims 21 and 22 track claims 1 and 2, but in method format, and therefore define patentably over the applied references for the reasons stated above with reference to claims 1 and 2.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,



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